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# PAPUA NEW GUINEA

## Bougainville: The Forgotten Human Rights Tragedy

### INTRODUCTION

***“The Constitutional enforcement of the law rests with the government of PNG... In conformity with international law, the government is committed to ensuring that violations committed by both the rebels and members of the security forces are brought to justice...”***, Papua New Guinea Prime Minister, Sir Julius Chan, August 1996.<sup>1</sup>

Human rights violations, including extrajudicial executions, “disappearances”, ill-treatment and arbitrary arrests and detention continue at an alarming rate in the context of the civil war on Bougainville. These violations are unseen by the media and human rights monitors who are prevented from travelling to the island by the Papua New Guinea (PNG) Government. An appalling degree of inaction by the government has resulted in only one alleged killing by the PNG Defence Force (PNGDF) being investigated since the conflict began while the perpetrators of the violations continue to act with impunity. A government-backed paramilitary Resistance Force, operating with a weak chain of command and without accountability, has been responsible for serious human rights violations including deliberate and unlawful killings. Abuses by the armed separatist Bougainville Revolutionary Army (BRA) including deliberate and arbitrary killing and hostage-taking continue.

Between 1991 and November 1993, Amnesty International reported that at least 60 people had been the victims of extrajudicial executions by government security forces. Since then, the organization has documented the deliberate and unlawful killing of at least 62 individuals at the hands of the PNGDF or the Resistance Forces and at least 13 “disappearances” of individuals taken into custody by the PNGDF. All but 11 of the killings and five of the “disappearances” occurred after 1994. Forty-four people, including women and children, were killed or “disappeared” in 1996 alone. The BRA has been responsible for at least 36 deliberate and arbitrary killings since the beginning of 1993. The real figure of political killings by both the security forces and the BRA is undoubtedly higher.

Human rights violations on Bougainville have largely been ignored by the international community in recent years, in part because of an assumption that the worst of the violence was over but also because Bougainville is seen as remote and PNG has little strategic importance. The evidence gathered by Amnesty International however indicates that the level of violations has not declined, but rather in recent months has reached heights not seen for several years.

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<sup>1</sup>Sydney Morning Herald, 2 August 1996.

The people of Bougainville have been subjected to extrajudicial executions, “disappearances”, torture, including rape, ill-treatment, arbitrary detention and surveillance by the security forces while at the same time there has been little external pressure on the PNG Government to bring the atrocities to an end.

In June 1996, an Amnesty International delegation travelled to Papua New Guinea to gather information about continuing human rights violations on Bougainville. The organization was granted access to the neighbouring island of Buka, but was refused permission by the authorities to travel to the island of Bougainville. During the visit to Buka, Amnesty International’s delegation and some of the people with whom it had contact came under pressure from the military authorities. Even though Amnesty International had permission from the Prime Minister to be in Buka, the delegation was asked by the PNGDF to leave. A Bougainvillean man who travelled for one day with the Amnesty International delegation was taken into military custody and questioned for several hours about the organization’s activities. Despite the restrictions, Amnesty International gathered considerable information about continuing violations by the security forces including extrajudicial executions, “disappearances” and arbitrary detentions of individuals suspected of having links with the BRA. The organization also collected information concerning deliberate and arbitrary killings and hostage taking by the BRA. Many of the serious violations by the government security forces reported to Amnesty International took place close to or on Buka itself, an area considered to have returned to relative normality. Since Amnesty International’s visit to PNG, there have been yet further reports of violations by both the security forces and the BRA.

Amnesty International fears this cycle of violence will continue unless the PNG Government immediately addresses human rights violations. The organization believes that it is essential that both the security forces and the BRA strengthen their chain of command and exercise effective control to prevent human rights violations continuing. Strict orders must be issued, instructing all forces to abide by standards embodied in humanitarian law, in particular those relating to hostage-taking and the humane treatment of civilians and others taking no part in hostilities. For the government’s part, Amnesty International believes that in order to bring an end to the human rights violations on Bougainville, it must immediately:

- !        establish a clear chain of command for the security forces operating on Bougainville;
- !        regularize or disarm the government-backed paramilitary Resistance Forces operating on Bougainville;
- !        grant immediate and long-term access to Bougainville for domestic and international human rights monitors and the media;

- ! establish mechanisms for the full and impartial investigation of all human rights violations which have occurred on Bougainville; ensure that those responsible for human rights violations are held accountable.

Amnesty International believes that the international community also has an important role to play in pressuring the PNG Government to take these steps. The organization therefore urges member states of the United Nations to ensure that the human rights situation on Bougainville is raised at the UN Commission on Human Rights in Geneva in March 1997 and that the Commission urges the PNG Government to implement promptly all outstanding recommendations of the Commission.

This report documents the pattern of extrajudicial killings and “disappearances”, ill-treatment and arbitrary arrests and detentions being committed by the PNGDF and the government-backed Resistance Forces and the killings and hostage-taking by the BRA. Appendixed to the report is a list of killings and “disappearances” believed to have been carried out by the PNGDF and the Resistance Forces and killings committed by the BRA. The report concludes with recommendations for the PNG Government, the BRA and member states of the United Nations.

## **BACKGROUND**

The province of Bougainville<sup>2</sup> is located around 1,000 kilometres from PNG’s capital, Port Moresby. It comprises two large islands, Buka and Bougainville, and several smaller groups of islands including the Nissan Islands. Its southernmost tip is only around 20 kilometres from neighbouring Solomon Islands, a country which has provided protection for Bougainvillean asylum seekers. The population of Bougainville is roughly 156,000.

This year is the ninth in a conflict which began in 1988 when the BRA began a military campaign seeking Bougainville’s independence and financial compensation for land occupied by Bougainville Copper Mine (BCL), jointly owned by the PNG Government and the Australian mining company CRA (Conzinc Rio Tinto). Around 7,600 civilians have been killed in the fighting or died because of a lack of medical facilities since the conflict began. In November 1988, the BRA destroyed BCL power pylons and other installations. The mine’s operations were temporarily suspended and the BRA broadened its targets to include government offices and non-Bougainvilleans living on the island. In December 1988 PNG Riot Squad Police were deployed on the island of Bougainville, followed by three companies of regular PNGDF troops which arrived in March 1989. After a year of fighting in which the PNGDF failed to quell the armed resistance, a cease-fire was agreed under which the

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<sup>2</sup>Until 1996, the province was known as the North Solomons Province.

government undertook to withdraw troops from Bougainville. The withdrawal in March 1990 also included a cessation of government services to Bougainville. In May 1990, the Bougainville Interim Government (BIG), affiliated to the BRA, unilaterally declared independence. This declaration was rejected by the PNG Government. Immediately following the declaration, the PNG Government announced a complete economic and communications blockade of the province. Two agreements between the PNG Government and the BIG, the Endeavour Accord and the Honiara Declaration, followed which aimed to resolve the conflict and incorporated the restoration of government services, an amnesty for the rebels, a cease-fire and discussion on the political status of Bougainville. But the provisions of both agreements were not implemented by either side. In April 1991, troops returned to areas of the province and fighting resumed between the BRA and the PNGDF.

#### **Bougainville: The players**

**PNG Defence Force:** PNG's military force.

**Resistance Forces:** Government-backed Bougainvillean militia which receives equipment and allowances from the PNG authorities. Currently engaged with the PNGDF against the armed secessionist BRA.

**BRA:** The Bougainville Revolutionary Army, the armed secessionists.

**BIG:** The Bougainville Interim Government, the political arm of the BRA.

**BTG:** The Bougainville Transitional Government - a transitional authority for the Province of Bougainville, established after an agreement with the central PNG Government and Bougainvillean leaders. Comprised of Bougainvilleans who are elected to represent all of the province of Bougainville.

In August 1994, the current PNG Prime Minister, Sir Julius Chan, came to power. Chan placed strong emphasis on finding a solution to the Bougainville conflict and there have been various attempts to negotiate a peaceful resolution to the conflict in the past two years. In September 1994, Prime Minister Chan signed the Honiara Accord and Cease-fire Agreement with the BRA Commander, Sam Kauona. In October 1994, Pan-Bougainville Peace Talks were held in Arawa, Central Bougainville. A multinational South Pacific Peacekeeping Force, financed by Australia, was deployed to the island of Bougainville during the Peace Conference and many BRA leaders emerged from BRA controlled areas to attend the conference. However, key political and military leaders of the BRA, including Francis Ona, Joseph Kabui and Sam Kauona refused to attend claiming that their security could not be assured. Nevertheless the conference resulted in a Memorandum of Understanding between

the PNG Government and chiefs from the Nasioi area of the island including Theodore Miriung, a chief who had become the Chairman of the North Nasioi Peace Committee.

In November 1994, Theodore Miriung, representing Bougainvillean leaders, signed the Mirigini Charter with the PNG Government which allowed for the establishment of a Bougainville Transitional Government (BTG) in April 1995. The BTG was established with 32 elected seats representing the whole of Bougainville and Theodore Miriung became the first premier of the transitional government. The BTG is represented throughout Bougainville by Interim Authorities and is linked to the PNG Government administration - the Department of Bougainville - operating out of Buka and in districts throughout the province of Bougainville.



Soldiers at Buka Airport

The BTG has played a crucial role in the mediation process on Bougainville between the BRA and the government. These efforts have not always been viewed favourably by the government or the PNGDF. Under Theodore Miriung, talks were held between the BTG and the PNG Government aimed at bringing the BRA and the BIG into discussions concerning the future of

Bougainville. In September and December 1995, peace talks between the PNG Government, the BTG and the BRA were held in Cairns, Australia. Following this, however, the PNG Government refused to allow any further talks outside PNG. In March 1996, a cease-fire between the government and the BRA broke down and fighting resumed. In June 1996, a major military offensive was launched on Central Bougainville, but it failed to secure any significant inroads into BRA-controlled areas. The island of Buka is under PNGDF control as are many areas of the island of Bougainville, but the BRA still controls areas in the south and centre of the island and maintains a low level insurgency campaign in other areas. Some 67,300 Bougainvilleans, displaced from their homes as a result of the conflict, are currently living in 49 government-run Care Centres in Bougainville.

Although a stalemate exists between key BRA leaders and the central PNG Government talks have continued between the BTG and the PNG Government. In December 1996, the BTG passed a law which allowed for the creation of a system of local government on Bougainville through councils of elders which will have the power to pass bylaws within their own areas. Many Bougainvillean leaders and church groups have tried to re-establish peace in particular areas by reintroducing traditional methods of conflict resolution using village chiefs as arbiters.



Bougainville, seen from across Buka passage

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hile efforts to normalise life in the provinces have continued, restrictions on the delivery of goods and services and movement of people around Bougainville remain, although there were signs in January 1997 that these restrictions had been lifted. Buka has become the administrative centre of the province and there are PNGDF bases and government offices throughout the island of Bougainville. At times of increased military or rebel activity restrictions on movement and civil and political rights, including curfews, are tightened. In November 1996, new restrictions in the northern areas of Bougainville were announced by the PNGDF, including greater restrictions on the movement of civilians between the islands of Bougainville and Buka and new limits on the amount of food items that civilians were able to purchase. In June 1996, just prior to launching a major military offensive, the PNGDF announced that public meetings on Buka would be banned, but this move was successfully challenged by local communities and government officers.

## **HUMAN RIGHTS VIOLATIONS IN THE CONTEXT OF ARMED CONFLICT**

In situations of armed conflict such as that on Bougainville, governments remain bound by international human rights standards and both their forces and their opponents are obliged to observe standards embodied in humanitarian law. On Bougainville, these standards have been breached repeatedly and with impunity.

Serious discipline problems within the PNGDF have contributed to the level of human rights violations, and it is frequently clear that both the PNGDF in Port Moresby and the central government are unaware of what their troops are doing on the ground. Neither the government or the military leadership have displayed serious interest in attempting to rectify this situation. In addition, little effort has been made to follow up on reports of human rights



Soldiers in Buka

violations. Amnesty International considers this apathy by the government and military leadership to be a significant factor in the continuation of human rights violations.

Criticism of the indiscipline of the PNGDF intensified in recent months with the release by the government of findings of an internal military investigation into the killing of 12 PNGDF

soldiers at Kangu Beach, South Bougainville in September 1996 by the BRA. The inquiry found that poor command and control in the PNGDF resulted in harassment of local women by the PNGDF soldiers and drunkenness. According to the report, Resistance Force members operating with the PNGDF at the time were enraged by this behaviour and, with the collaboration of the BRA, attacked the PNGDF.

The security forces operate on Bougainville virtually unmonitored, a situation which exacerbates the human rights problems. International human rights monitors, including UN human rights mechanisms, have been restricted in their access to Bougainville. Amnesty International was refused permission to travel to the island of Bougainville and allowed only



to conduct monitoring on the island of Buka. Such restrictions make confirmation of most of the reports of human rights violations and scrutiny of the conduct of the security forces extremely difficult. Attempts to investigate reports of human rights abuses are further inhibited by the fact that there are currently no domestic human rights organizations conducting monitoring on Bougainville.

The media suffers similar restrictions. Despite an encouraging statement by the Commander of the PNGDF on Bougainville, Tokam Kanene, in October 1996 that the media should be allowed access to Bougainville to report on “anything”, journalists are still denied access to the island of Bougainville and may travel to Buka only after seeking the permission of the government.<sup>3</sup> Ironically, the media has been criticised by successive PNG Governments for relying on unconfirmed reports from representatives of the BRA or the BIG. But it is the government and the PNGDF which has denied the media access to Bougainville.

A fear of harassment by the security forces and the BRA also prevents people from speaking out about human rights violations. The type of harassment experienced was starkly illustrated during Amnesty International’s visit to Buka, when a car hire company came under pressure from the military authorities not to rent Amnesty International a vehicle. In another incident, a Bougainvillean man who travelled with the delegation on Buka was questioned for several hours by the PNGDF about Amnesty International’s movements. In this environment, eyewitnesses and family members are afraid to speak out about the killings and “disappearances”, contributing to a restriction on the flow of information.

Information flows are further restricted by a lack of communication facilities. Bougainvillean women told Amnesty International of the difficulties in conveying information about human rights violations because of the continuing lack of adequate telecommunication facilities throughout the province. There are a handful of private telephones, so those who do not work in the few government offices which possess phones are forced to rely on the limited number of public telephones. The only public telephone in Arawa, central Bougainville, is located close by the PNGDF military camp, and concern was expressed about the difficulties in passing on information about human rights violations in an atmosphere where confidentiality cannot be guaranteed. In January 1997 the telephone was reportedly broken.

### **The Resistance Forces**

The role of the government-backed paramilitary Resistance Forces, which operate alongside the PNGDF, is another factor in human rights violations in Bougainville. Comprised only of

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<sup>3</sup> *Post Courier*, 29 October 1996. In January 1997, at least one journalist accompanied a ministerial delegation to the island of Bougainville.

Bougainvilleans, in many cases former members of the BRA who have surrendered to the PNG Government, the Resistance Forces operate throughout Bougainville and are also present in areas of Buka. With the exception of one incident in September 1996 when the Resistance Forces joined forces with the BRA in an attack on PNGDF soldiers, the Resistance Forces operate with the PNGDF against the BRA. They are armed by the PNGDF and receive allowances from the Bougainville Interim Authorities. Members of the Resistance Forces do not wear military uniforms, so are only identifiable if carrying weapons. While the Resistance Forces have a central Chair, Sam Akoitai, who is based in Buka, their structure and allegiances are largely locally based and there is no clarity concerning their formal accountability to the PNGDF.

The Resistance Forces have been responsible for serious human rights violations including unlawful and deliberate killings and “disappearances” of civilians and BRA suspects. They are also alleged to have engaged in intimidation of those wishing to provide information about human rights violations and of government officials over delays in payment of their allowance.

In recent months there have been encouraging signs of a greater commitment to human rights from sectors of the Resistance Forces’ leadership. In November 1996, Sam Akoitai was quoted as saying “...if any resistance members have been involved in any of the killings and massacres, they must face the full fire of the law and I am not going to stand up for them. The laws of this country must be exercised”.<sup>4</sup> In January 1997 it was reported that the Resistance Forces in Wakunai, the area under the command of Sam Akoitai, have actually been disarmed at the request of the local community.

Despite this positive development, Amnesty International considers that there is still insufficient accountability within the structure of the Resistance Force and that measures to control their actions are inadequate. The organization therefore believes that the PNG Government should either disband the Resistance Forces or take immediate action to regularise them along the following lines:

- ! clarify to whom the Resistance Forces are accountable;
- ! issue clear regulations about the scope of their law enforcement activities and security functions and how these compliment those of the PNGDF and the PNG police;
- ! make clear the chain of command within the Resistance Forces;

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<sup>4</sup> Post Courier, 1 November 1996.

- ! ensure that members of the Resistance Forces receive training on humanitarian law;
- ! ensure that those within the Resistance Forces who are responsible for human rights abuses and superior officers who tolerate such abuses are held accountable.

## UNLAWFUL KILLINGS

The security forces throughout the province of Bougainville have committed deliberate and unlawful killings and “disappearances” of civilians, including former members of the BRA, and unarmed members of the Resistance Forces. In its 1993 report on Bougainville, Amnesty International reported that at least 60 civilians had been killed by government soldiers since 1991. Since then Amnesty International has gathered information concerning at least 62 unlawful killings and at least 13 “disappearances”. With the exception of 11 killings and five “disappearances”, the remaining violations have taken place since 1994. The number of killings is not declining. In 1996, at least 44 people were the victims of “disappearances” or extrajudicial, deliberate or indiscriminate killings. All of these cases are detailed in Appendix I of this report, including details of actions known to have been taken by the PNGDF or the government to investigate the deaths or “disappearances”. Other reports of political killings received by Amnesty International, which are as yet unconfirmed, suggest that the real figure is almost certainly higher. The United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions has confirmed a pattern of unlawful killings by the PNGDF on Bougainville and reported in 1996 that between 1991 and October 1995, 64 people were believed to have been extrajudicially killed by the PNGDF.<sup>5</sup>

Extrajudicial executions and “disappearances” occur on Bougainville in several contexts. The first is the killing or “disappearance” of those suspected of links with the BRA. These killings have often targeted former members of the BRA who have surrendered to the government or civilians whose families and friends have later claimed had no connection with the BRA. The second is “payback” or revenge killings, where the security forces will kill a Bougainvillean from the same family or clan as those believed to have been responsible for the killing of members of the security forces. There are now many members of the PNGDF who have lost clansmen, family or friends at the hands of the BRA and who have themselves sought revenge for the killings. The involvement of the Resistance Forces - all of whom are from Bougainville - also contributes to and helps perpetuate the culture of payback killings because their involvement adds to the number of Bougainvilleans who are being killed.

## Case Studies

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<sup>5</sup> Report by the Special Rapporteur on his mission to the Papua New Guinea island of Bougainville from 23 to 28 October 1995, UN Document E/CN.4/1996/4/Add.2, February 1996.

***Hubert Oparive - June 1996***

On 19 June 1996, eight former members of the BRA were killed by the PNGDF and the Resistance Forces in Sipai on the west coast of Bougainville. The eight men, including their leader Hubert Oparive, were from Keriake. All of them had surrendered to the authorities two years before their deaths and had joined the Resistance Forces. The eight were given weapons by the army and were staying in the Pokarai Care Centre. A dispute arose when the PNGDF began to suspect the eight of collaborating with the BRA in planning an attack on the PNGDF from within the Pokarai Care Centre. As the dispute escalated, the PNGDF confiscated a boat which had been given to the eight. It is believed that their guns may also have been removed by the security forces. On the night of 19 June, the eight were arrested by the security forces. It is believed they were led away and shot. Their bodies are not known to have been recovered.

During a meeting with the Commander of the PNGDF, Brigadier General Jerry Singirok in July 1996, Amnesty International was told that there was an internal military investigation into the killing of Hubert Oparive and the seven men with him. The Commander was also quoted in the PNG press as saying “[t]here’s an investigation underway now... If it is true, then I am answerable and accountable to the people of Papua New Guinea and also to Amnesty International”.<sup>6</sup> The results of the investigation have never been made public. Amnesty International does not know whether such an inquiry was ever completed. No member of the security forces are known to have been brought to justice for their part in the killings.

***Mukakuru Village Killings - December 1996***

In one of the most serious incidents in recent months, 14 people, including women and two girls aged four and six years old, died and another 11 were wounded when the PNGDF and the Resistance Forces opened fire on them as they slept in their camp in Mukakuru village in Siwai, southwest Bougainville. The 14 were living in a civilian community of two families. Survivors of the attack claimed that there were no BRA forces in their village.

Unlike many other killings on Bougainville, news of these killings was widely covered in the PNG and regional media because the wounded managed to travel to the Solomon Islands for hospital treatment. One of the survivors, Ann Moiru, was reported as saying “*I do not know why they came*”. Ann Moiru’s husband, Moiru, her 16 year-old son, Robin and two nieces were shot dead during the attack:

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<sup>6</sup> Post Courier, 5 July 1996.

*“They told my husband to sit on a rock, but when they wanted to shoot my son, he called out “shoot me, shoot me”, and they shot my son and then they shot my husband too”.<sup>7</sup>*

Evidence emerged after the Mukakuru village killings that so-called “dum-dum” bullets were used in this attack and possibly in other incidents on Bougainville. “Dum-dum” bullets create a large wound in the body by shattering on impact. Although illegal to buy it is not difficult for normal bullets to be modified to create “dum-dum” bullets. They have been prohibited under international law since 1899. The PNG authorities have denied that the bullets are being used on Bougainville.

One newspaper report of the killings stated that an unnamed senior PNGDF source had denied *“official army involvement in the attack, but conceded that it had occurred and could have involved some PNGDF personnel as unauthorised ‘private soldiers’”*.<sup>8</sup> There has been no indication from the government or the PNGDF that the incident will be investigated.

### ***Jack - June 1996***

On 23 June 1996, a man in his 20s known only as **Jack**, was shot and killed by the PNGDF after he stole a privately owned boat from Buka Harbour. Jack, who according to local residents suffered from a mental illness, had been a member of the Resistance Forces. In the week before he died, Jack was seen in Buka with wounds to his head. One eyewitness told Amnesty International that he had been beaten by the PNGDF after becoming involved in a dispute with them. In the early morning of 23 June 1996 Jack allegedly tried to steal several boats from Buka Harbour. He succeeded in stealing one and was cruising around the waters off Buka during the curfew hours. He was believed to have had a gun with him at the time.

Eyewitnesses saw the boat being chased around Taiof Island by one of the PNGDF's Australian donated Iroquois helicopters. It is not clear whether Jack was shot from the helicopter or whether soldiers shot him from the ground after landing but there is no indication that Jack was shooting at the soldiers at the time that he was killed. An eyewitness who saw Jack's body in the boat said that he had been shot many times. The boat had at least 15 holes in it. During a meeting with the Commander of the PNGDF, Brigadier General Jerry Singirok, in July 1996, Amnesty International was told that an internal military inquiry would be conducted into the death. In December 1996, Amnesty International wrote to Commander

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<sup>7</sup>The Australian, 13 December 1996.

<sup>8</sup>The Australian, 13 December 1996.

Singirok requesting information about the progress of the inquiry. The organization has so far received no reply.

### ***Theodore Miriung - October 1996***

In October 1996, the premier of the Bougainville Transitional Government, Theodore Miriung, was shot dead while visiting his wife's village of Kapana in Southwest Bougainville. It is believed that he was shot by members of the Resistance Forces with the involvement of soldiers from the PNGDF. Prior to 1994, Theodore Miriung had been a supporter of secession for Bougainville and had been living in a BRA controlled area of the island, but had become increasingly involved in attempts to establish peace. He left the BRA controlled area to attend the Arawa Peace Conference in October 1994 and assisted in the formation of the BTG. As premier of the BTG he was frequently the subject of suspicions by the PNG authorities for alleged BRA sympathies and faced restrictions from the PNGDF on his movement into and around Bougainville. He was often not permitted by the PNGDF to travel from where he lived on Buka to the island of Bougainville where his family remained.

Theodore Miriung was shot dead at around 7 pm on 12 October 1996 in Kapana village near Konga in southwest Bougainville, an area under PNGDF control and administered by the South-West Interim Authority. Initially, the Commander of the PNGDF, Brigadier-General Jerry Singirok blamed the BRA for the killing. The BRA denied the allegation and claimed that a member of the Resistance Forces was responsible for the shooting and that witnesses saw a Defence Force soldier at the scene. Prime Minister Chan was more cautious and on 14 October ordered the PNG police, rather than the PNGDF, to take responsibility for the inquiry into Theodore Miriung's death. Within days press reports began to highlight unconfirmed allegations that Theodore Miriung may have been killed by some local Resistance Forces soldiers possibly with assistance from lower ranking members of the PNGDF. There are unconfirmed reports that up to seven PNGDF soldiers were seen in Miriung's wife's village before the assassination. Another report in the Sydney Morning Herald, on 18 October 1996, stated that "*sources confirmed that a vehicle, which in recent months had been used by*

*the Defence Forces, was seen leaving the area of Mr Miriung's village immediately after the killing".*

Miriung was shot twice at close range, once in the back and once in the chest. The autopsy report also indicated that he was killed with a shotgun and a high powered rifle. Following the results of the autopsy, Sir Julius Chan requested assistance from the Commonwealth Secretariat in finding a magistrate from another Commonwealth country

to conduct a coroner's inquiry into the killing. In November, Judge T Suntheralingam, the Chair of Sri Lanka's Presidential Commission of Inquiry into Involuntary Removal and Disappearances of Certain Persons in the Central, North Western, North Central and Uva Provinces, was appointed to conduct the inquiry. The judge travelled to PNG in November and despite gaining access to Buka for a brief period, did not travel to the island of Bougainville itself, it is believed because of fears for the safety of investigators and eyewitnesses.

The judge announced his preliminary findings at the end of November. He stated that between eight and 10 people were involved in the killing of Theodore Miriung and that a "*certain number of Defence Force soldiers along with a lesser number of resistance fighters [members of the Resistance Force] were involved*".<sup>9</sup> The judge claimed that two people fired the shots which killed the former premier and that they were helped by between six and seven others. He urged the government to allow the police inquiry into the killing to continue. On the announcement of the preliminary inquiry's findings, PNG Prime Minister, Sir Julius Chan was reported as stating that his "*government was committed to ensuring that*

*"Some people have a mission in life and they have to take it on, even if it means dying for it."* Theodore Miriung as quoted in Post Courier, 18 October 1996.

©Post Courier.

<sup>9</sup> Sydney Morning Herald, 30 November 1996.

*justice was done*” and that soldiers implicated in the killing would face trial.<sup>10</sup> The PNGDF has responded by criticising the findings. Bougainville Commander, Lieutenant Colonel Tokam Kanene said that the inquiry was “*unprofessional and one-sided*”.<sup>11</sup> The report of the preliminary findings has now been submitted to the PNG Government. It has not yet been made public. No member of the PNGDF has yet been questioned, suspended or charged in relation to the incident.

Amnesty International is concerned that, despite the unprecedented action of instigating an independent inquiry into Theodore Miriung’s death, the PNG Government has fallen short of its obligations under international standards to properly investigate the death of the former premier. In announcing his preliminary findings, Judge Suntheralingam pointed to the difficulties posed by the continued presence of the military unit implicated in the killings in the area. Sources have reported to Amnesty International that Judge Suntheralingam did not travel to Kapana because the PNG police, who were in charge of the investigation into Miriung’s death, did not feel sufficiently secure in accompanying him to the village while the army unit remained stationed at Tonu Military Camp, some seven kilometres from Kapana village. By early December, despite the announcement of Judge Suntheralingam’s findings, the unit was still based at Tonu. The commander of the PNGDF reportedly defended the unit’s continued presence at Tonu by stating that “*the Security Force location at Tonu was strategically important because the area is volatile*”.<sup>12</sup> On 5 December, the Prime Minister ordered the PNGDF to remove the unit and several days later this order was carried out. Judge Suntheralingam also reportedly claimed that the PNGDF prevented a member of the Resistance Forces from travelling to Port Moresby to appear before his inquest.<sup>13</sup>

*Complainants, witnesses, those conducting the investigation and their families shall be protected from violence, threats of violence or any other form of intimidation. Those potentially implicated in extra-legal, arbitrary or summary executions shall be removed from any position of control or power, whether direct or indirect, over complainants, witnesses and their families, as well as over those conducting investigations.*

Principle 15 of UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.

<sup>10</sup>Radio Australia, 3 December 1996.

<sup>11</sup> Radio Australia, 2 December 1996.

<sup>12</sup>Radio Australia, 5 December 1996.

<sup>13</sup>The National, 2 December 1996.



Judge Suntheralingam also highlighted the concerns of the villagers of Kapana about reprisals from local Resistance Force members against those who provided information to the coroner's or the police inquiry. These fears have now been borne out. On 18 January 1997, the head of the Police Criminal Investigations Division was reported as saying that a team of police who travelled to the village to interview witnesses were forced to leave after being threatened by the Resistance Forces and that the level of fear was so high that eyewitnesses would not come forward. He stated that the community "... *could not speak openly for fear of their lives. They just sat there staring at us*". The police official was quoted as saying that "[j]ustice is not being done" and he complained that because the police were forced to leave the village, the police investigation into Theodore Miriung's death will now be delayed for a further two months.<sup>14</sup> Amnesty International is not aware of any action which the PNG Government has taken to protect eyewitnesses and others wishing to provide information and evidence to the PNG police's continuing inquiry into the death of Theodore Miriung.

## **DELIBERATE OR INDISCRIMINATE KILLINGS**

Deliberate or indiscriminate killings of civilians by the PNGDF have also been a feature of the Bougainville conflict, during which the security forces have either intentionally or recklessly disregarded their obligations to distinguish between military and civilian targets and not to attack the civilian population. Indiscriminate and deliberate killings of civilians are prohibited under international humanitarian law, which require that forces engaging in combat distinguish between civilian and military targets.<sup>15</sup>

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<sup>14</sup> Sydney Morning Herald, 18 January 1997.

<sup>15</sup> Common Article 3 of the Geneva Conventions prohibits, *inter alia*, violence to life, including murder, torture and taking of hostages of persons taking no active part in the hostilities, including civilians, detainees and people who have laid down their weapons. PNG has signed the Geneva Conventions and therefore is bound not to take any steps which would defeat the object and purpose of these conventions pending a decision on ratification.



Bodies being placed in makeshift coffins. Shinda Ruinai, 14, Alvina Makunia, 6, and Cathy Tomare, 4, all killed during the attack. ©Bougainville Interim Government.

On 28 November

1996, nine civilians were killed and five others seriously wounded when the Malapita Church in south Bougainville was struck by mortar fire in what Amnesty International believes was an indiscriminate attack on civilians by the PNGDF. The church was in a BRA controlled area, but there appear to have been no military targets in the immediate vicinity. The attack came at around 7 am as the community gathered for morning prayer. The nine killed included three children aged four, five and six and two females. A two-year-old child was among those wounded. Information about the attack only emerged because the survivors managed to travel to the Solomon Islands to seek medical attention. Again, despite an expression of concern from PNGDF Chief of Staff Colonel Jack Tuat, after details of the killings was made public, there appears to have been no effort by the PNGDF or the PNG Government to investigate the incident.

## UNLAWFUL DETENTION

Bougainvilleans, particularly those suspected of contact or involvement with the BRA, are often held without charge in incommunicado detention, by members of the PNGDF despite official

assurances that arrests are conducted only in the presence of police and subject to judicial supervision. Many of those taken into custody are believed to have no connection with armed activities.

Individuals are protected from arbitrary arrest and detention by safeguards provided under international human rights standards, including the right to be informed upon arrest of the reasons for the arrest, details of charges, and the right to be provided with the opportunity to challenge the lawfulness of detention.<sup>16</sup> International standards also provide for the right of those taken into custody to seek legal assistance.<sup>17</sup> PNG's constitution protects individuals from arbitrary arrest and detention through safeguards including a provision for those arrested to be promptly informed of the precise reason for their arrest or detention, provided with the opportunity to contact a lawyer of their choice and the opportunity to challenge the legality of their detention.<sup>18</sup>

**UN Body of Principles for the Protection of all Persons Under Any Form of Detention or Imprisonment**

***Principle 2:** Arrest, detention or imprisonment shall only be carried out strictly in accordance with the provisions of the law and by competent officials or persons authorized for that purpose.*

***Principle 4:** Any form of detention or imprisonment and all measures affecting the human rights of a person under any form of detention or imprisonment shall be ordered by, or be subject to the effective control of, a judicial or other authority.*

***Principle 10:** Anyone who is arrested shall be informed at the time of his arrest of the reason for his arrest and shall be promptly informed of any charges against him.*

***Principle 11:** A person shall not be kept in detention without being given an effective opportunity to be heard promptly by a judicial or other authority.*

In a meeting with Amnesty International, the Provincial Police Commissioner of Bougainville confirmed that it is the police, and not the military, in the province of Bougainville who have the authority to conduct arrests. The Police Commissioner informed Amnesty

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<sup>16</sup>Article 9, Universal Declaration of Human Rights: "No one shall be subjected to arbitrary arrest, detention or exile".

<sup>17</sup>UN Body of Principles for the Protection of all Persons Under Any Form of Detention or Imprisonment.

<sup>18</sup>Section 37, (3), (4e), PNG Constitution. Under certain circumstances, PNG police can conduct arrests without warrants if they believe that an individual is about to commit, is committing or has committed an offence.

International that if suspected members of the BRA are arrested, they are brought to a police station or post, and, if appropriate, questioned. Statements from the suspects are taken by police, and if there is enough evidence to proceed with a charge, a detainee is brought before a magistrate or the courts as soon as possible. Detainees are provided with the opportunity to receive legal advice over the telephone or in person. The Bougainville Police Commissioner and a senior official of the PNGDF told Amnesty International that they were not aware that any BRA suspects had been arrested by the PNGDF and not brought into police custody. The Police Commissioner stated that records are maintained of detainees in police custody in Buka.

Amnesty International gathered considerable evidence which contradicts the police and the PNGDF statements and suggests that there is a pattern of arbitrary arrests and detention by the PNGDF which has facilitated ill-treatment, unlawful killings and “disappearances”. (See section on “disappearances” below). The general pattern of arrests and detentions involves individuals being taken or called into custody by the PNGDF, in some cases at night, and brought to a military camp for questioning. Some individuals have been taken for questioning to a non-military establishment, such as plantations. They are not legally summonsed or provided with information about the reasons they are being detained. They are not surrendered into police custody but in many cases are held for several hours or days and then released without charge. People have been arrested solely because of their perceived political allegiances, their identity or kinship links, or for their legitimate and non-violent exercise of their freedom of expression or association. Amnesty International was also told of such arrests and detention on the island of Buka, away from many of the more conflict-ridden areas of Bougainville, and that arbitrary arrests and detention had become more frequent, particularly around Buka, during 1995 and 1996.

Even in cases where detainees are permitted lawyers, access to legal representation in Bougainville is hampered by more practical constraints. Although legal aid is available in PNG through the office of the Public Solicitor, the Public Solicitor does not operate in the province of Bougainville. Amnesty International was told that there have been occasions when detainees have received advice from the Public Solicitor’s Office over the telephone from the town of Rabaul in the neighbouring province of East New Britain, some 300 kms away from the town of Buka and accessible only by plane or less frequent shipping services. There are now a handful of more costly private solicitors operating in the town of Buka, but as yet no Public Solicitor.

### **Case studies**

In May 1996, **Sam Tulo** was arrested on Buka by Resistance Force members and taken to a plantation where he was questioned by a senior PNGDF officer about complaints he was alleged to have made about the PNGDF. In the same month, **James Togel** was detained

overnight on Buka for allegedly attempting to contact a pro-independence church leader. Both men were released without charge. In June 1996, a woman, her husband and child were arrested without warrants by the security forces, after the woman's brother - a BRA leader - was alleged to have taken captive a soldier and a Catholic priest. The PNGDF reportedly offered to release the woman and her family if the BRA released the soldier. All three were released without charge after several days in military custody.

In 1995, a man was arrested at around 2 am by the PNGDF from his home in Central Buka. He was threatened by the military and told to jump off a bridge into a river. He was released without charge and the following day received an apology from the PNGDF because they had confused him with another man wanted by the PNGDF. In June 1996, three village elders were detained by the PNGDF in Selau, North Bougainville, after BRA activity in their area. The three were arrested by the PNGDF and taken to the Military Command Post at Loloho on Bougainville. They were released several days later without charge following intervention from other Bougainvillean leaders.

Despite assurances from the Provincial Police Commissioner that individuals taken into custody are brought before the police as soon as possible and either charged or released, Amnesty International was informed that in early 1996 three men were held in police custody at the Hutjena Police Station near the township of Buka for seven days without charge. The three were all suspected of involvement with the BRA and are thought to have ultimately been charged once their whereabouts became known to judicial authorities in Buka. Amnesty International is concerned that they were detained for one week without charge, in contravention of international standards and PNG's own law.

Despite the claim by a PNGDF officer to Amnesty International that the military do not conduct arrests, the same officer admitted that during a 1996 hostage-taking incident by the BRA, the younger brother of the alleged leader of the BRA group responsible was arrested by the PNGDF from his home on Nissan Island. Still a school student, he was held by the PNGDF in a bid to secure the release of the two hostages, a soldier and a priest. He was released without charge and was not believed to have been surrendered to the police.

In recent months there have been continued reports of individuals being called for questioning or held at military checkpoints for extended periods of time. In November 1996, a priest was detained for around 12 hours at a military checkpoint because the military claimed that he was travelling with goods that had not been given military clearance. The man however claimed that he had received the appropriate clearance. In February 1997, a woman was called for questioning by the PNGDF in Buka apparently because she was accused of making allegations against members of the Resistance Forces and individuals involved in the killing of Theodore Miriung, a claim she denied.

Amnesty International is seriously concerned that this pattern of arbitrary arrests - apart from being a violation of international human rights standards and PNG's domestic law - also places individuals at risk of "disappearance" and extrajudicial execution because it is unlawful and not subject to judicial supervision. Several Bougainvilleans told Amnesty International that if someone was arrested by the police, they were considered to be relatively safe, but if arrested by the military, their chances of being killed or "disappeared" were greatly increased. For all practical purposes, the police on the island of Bougainville operate under the control of the PNGDF.

### **"DISAPPEARANCES"**

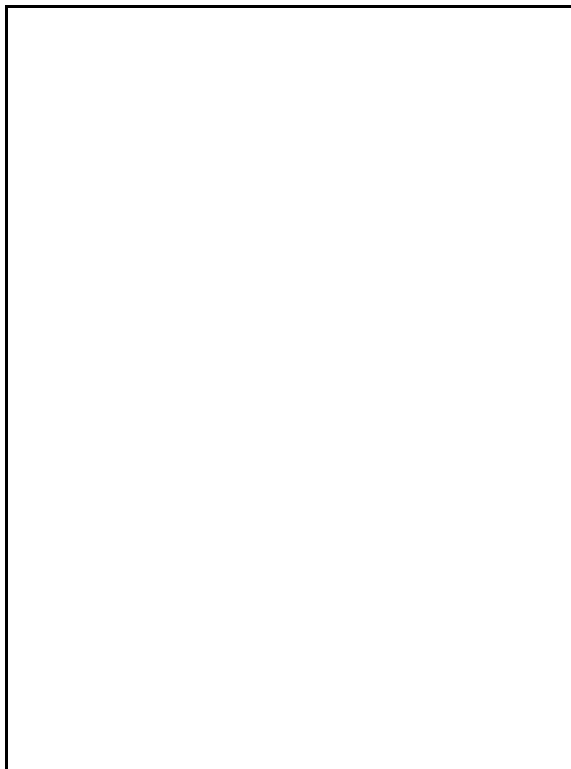
The security forces continue to commit "disappearances" in the province of Bougainville, and the fate of the vast majority of those who have "disappeared" in previous years remains unresolved. Amnesty International has recorded at least eight "disappearances" since 1994, including individuals who have "disappeared" from Buka, an area of the province which is considered to be relatively free of the turmoil of the larger island of Bougainville. Most of those who have "disappeared", are believed to have been taken into military or Resistance Force custody for alleged links with the BRA. No further news of their whereabouts has emerged and in most cases, families and friends believe that the individuals have already been killed. During the course of Amnesty International's visit to Buka, a number of cases of "disappearances" emerged which had previously gone unreported. There also remain many cases which are known to the authorities but which remain uninvestigated and show no signs of being investigated in the future.

### **Case Studies**

**Peter Kulahe**, 58, "disappeared" in either 1992 or 1993 after he was arrested by the PNGDF in Tinputz, North Bougainville, on suspicion of links with the BRA. There has been no news of his whereabouts since then. Peter Kulahe was a Catechist with the Catholic Church at Tinputz. He was arrested along with his son, whose name is not known, and two nephews, Michael and Dominic who were alleged by the PNGDF to have links with the BRA. All four

“disappeared” and are feared to have been killed by the security forces. There has been no investigation into Peter Kulahe’s “disappearance” or the fate of his son and two nephews.

In 1995, **Wesley Teumo** “disappeared” from Tinputz after a clash between the police and the BRA during which a policeman was shot. After the clash, Wesley Teumo went down to the Tiaroki medical post, near Tinputz, to seek medical attention and was arrested by the security forces. There has been no news of him since. When people tried to find Wesley Teumo, they were told by the military in Tinputz that he was being held in Buka, and by the military in Buka that he was being held in Tinputz. One source reported to Amnesty International that he was believed to have been taken by boat and shot near Tinputz. Despite the fact that his case was raised with the PNG Government by the late BTG Premier, Theodore Miriung, the authorities do not appear to have taken any action to investigate his whereabouts or fate.

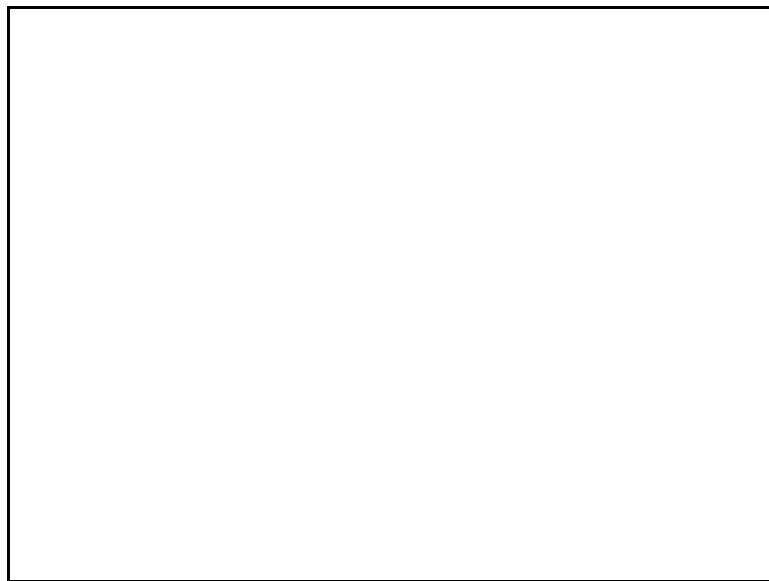


Peter Kulahe

In December 1995, two young men may have “disappeared” and possibly been killed, after they and one other were delivered into military custody in Buka by chiefs in the Hahon area of northwest Bougainville. The three were detained at the Military Command Post in Buka. After midnight on 14 December 1995, three infantry soldiers arrived in Buka from Bougainville island and took the three youths from the Command Post. One of the three, Alfonse, was reportedly shot in the foot by the soldiers. Alfonse then managed to escape and received medical treatment and was interviewed later that day by a PNG television crew. But during his media interview he could not say what had happened to the two men detained along with him. Amnesty International spoke to a resident of the village closest to the Command Post who described hearing three gunshots and screams on the night that the three men were taken from the Buka Command Post. She says that after the three gunshots there were no more screams. She believed that two of the youths had been killed because the following day the PNGDF returned to the area looking for Alfonse.

The journalists who interviewed Alfonse were reportedly told by the authorities that he had returned home to his village after the interview. Other sources however claimed that after receiving medical treatment from the hospital, Alfonse was detained by the security forces and “disappeared”. Amnesty International cannot confirm this. The Police Commander on Buka told Amnesty International that all three men did return to their villages. To the best of Amnesty International’s knowledge there does not appear to have been a prompt and thorough investigation of the allegations.

In April 1996, **Peter Ugua**, a man in his early 20s and father of two children, “disappeared” after he was arrested by the PNGDF on Sohano Island, just off Buka. Peter Ugua, originally from Buin in south Bougainville, was staying on the island after receiving treatment from the Sohano Hospital for a gunshot wound he sustained in November 1995. Sources reported that the military and



Church on Sohano Island near where Peter Ugua disappeared.

Resistance Forces became suspicious of him believing that the gunshot wound indicated that he was a member of the BRA. At 6 am on 26 March 1996 Peter Ugua was arrested by the PNGDF from a house on Sohano and detained for questioning for six days at the Buka Military Command Post. He was released without charge on 1 April. He was arrested again at around 7.30 pm on 16 April from the same house. It is believed that on both occasions Peter Ugua was arrested without a warrant. On the second arrest, witnesses reported that he was arrested by six soldiers in uniform carrying M16 rifles. It is believed that members of the Resistance Forces were present. He has not been seen since.

An attempt to get the police to intervene after the second arrest of Peter Ugua failed, with the police reportedly saying that they did not have the authority to raise the matter with the PNGDF. Local residents informed Amnesty International that after Peter Ugua’s second arrest, police on Buka came to see them to urge them to raise their concerns about alleged



BRA members directly with the police and not the military, “*because the police deal with it properly*”.

## **KILLINGS AND “DISAPPEARANCES” IN CARE CENTRES**

There are 49 government-run Care Centres around Bougainville, provided by the PNG Government and intended for Bougainvilleans displaced by the fighting. There are currently around 67,300 internally displaced people living in the Care Centres.<sup>19</sup> There are believed to be currently between six to 12 members of the PNGDF deployed at most of the centres. A few are believed to be guarded by members of the Resistance Force. The Care Centres are administered by the Department of Bougainville, which falls under the Minister of Provincial and Local Government Affairs. At times the PNGDF have launched major campaigns to move Bougainvilleans into the Care Centres, particularly ahead of or during major military operations. Sources on Bougainville claim that some villagers have been forced by the PNGDF to move into the centres and that on occasion, when they have refused, attempts have been made to intimidate them into leaving their villages and moving to a Care Centre.

In September 1996, PNG’s Provincial and Local Government Minister, Peter Barter, expressed concern about the inadequacies of medical and food supplies in the Care Centres. In the same month, the Working Committee on Bougainville Care Centres recommended that general duty and auxiliary police replace the PNGDF at the centres, and that the centres ultimately be phased out and replaced with community service centres in fewer areas. Amnesty International considers that replacing the military with police at the Care Centres could go some way to protecting the rights of those living in them.

Critics have raised concerns about sanitation, food, social and other problems faced by residents of the Care Centres. There have also been allegations of unlawful killings and “disappearances” of individuals living in the centres by both the PNGDF and the Resistance Forces. Those most at risk in the centres are former members of the BRA and those suspected of links with the BRA. Despite surrendering, former BRA members are vulnerable to revenge attacks by the Resistance Forces and the PNGDF, not least because members of the PNGDF, few of whom are Bougainvillean, often feel vulnerable because they are operating among people they do not know and in an environment in which they are unfamiliar. Of the unlawful killings and “disappearances” recorded by Amnesty International since 1993, at least 13 individuals are believed to have been killed or “disappeared” after having been arrested by the PNGDF either in or on leaving Care Centres, usually on suspicion of involvement with the BRA.

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<sup>19</sup> Department of Bougainville figure for the end of 1996.

## Case Studies

**James Kamisu**, a former BRA leader who had surrendered to the PNGDF, “disappeared” from the Haisi Care Centre in south Bougainville. At the end of 1995, James Kamisu was called to Tonu Military Camp for questioning by the PNGDF. He was never seen again and it is feared that he may have been killed because of his previous involvement with the BRA.

**John Tukina** is also believed to have been killed by the PNGDF after being called for questioning by the military in 1993. A former member of the BRA, John Tukina had surrendered and was living in the Tobago Care Centre in south Bougainville. He was summoned by the PNGDF to the Buin Military Camp and was then allegedly killed after having been made to dig his own grave.

In early 1996, **John Esi** allegedly “disappeared” after he was arrested by the PNGDF from a Care Centre in Kunua. John Esi, a chief from Sikeo village, went to the Care Centre to take his wife who was living there back to their village following rumours that the BRA were planning an attack on the centre. Several days after he had arrived at the Care Centre, John Esi was seen being arrested and beaten by the PNGDF. He was taken away and was not seen again. One eyewitness told Amnesty International that the PNGDF admitted to him that they had arrested John Esi and that he had heard a shot after the arrest and believed that it was John Esi being shot. According to information received by Amnesty International, the PNGDF admitted to a Bougainvillean living in the area that John Esi had been killed by the PNGDF, but they refused to give the body back to the family. Amnesty International cannot confirm the “disappearance” of John Esi, but the organization was told that his “disappearance” was brought to the attention of the PNGDF Commander in Buka and that the officer in charge at Kunua who was alleged to have been responsible for the killing was brought back to Buka after the allegation emerged. It is not known whether there has been any further investigation of the allegation.

In some cases, individuals have been shot after leaving a Care Centre, possibly because their departure has caused the PNGDF to speculate that they were planning to join the BRA. Three young men were shot by the PNGDF after they decided to leave the Tonu Care Centre in May 1996. The three, **Isaiah Magung**, **Ampo Tarokuru** and **Nasuri**, were all under 20 years of age. Isaiah Magung and Ampo Tarokuru are believed to have died as a result of the shooting. They were shot at the mouth of the Mariga River in South Bougainville where they were reportedly fishing with two other young men.

## TORTURE OR ILL-TREATMENT

Individuals taken into custody by the security forces have been subjected to ill-treatment and torture, including women who have been raped. Several of those taken into custody have been severely beaten by soldiers, apparently as a punitive measure. In June 1996, two youths were beaten by members of the PNGDF after being arrested for breaking a curfew in North Buka. The two were beaten and kicked, one to the point of unconsciousness. Both were reported to have suffered swollen jaws as a result of the beatings.

In early 1994, three boys were allegedly severely beaten and hung upside down by the PNGDF in Tonu Care Centre after they were taken into custody following an allegation from another Care Centre resident that they were supplying the BRA with weapons. An eyewitness said that their arms were swollen after their ordeal. In another case, one man was severely beaten on New Year's Day 1995 after he was accused by the PNGDF of making too much noise during New Year's Eve celebrations in the Tonu Care Centre. The morning after the celebrations, soldiers began chasing the alleged trouble-makers through the camp with guns, at times firing them. One man was caught and was then beaten with fists, rifle butts and kicked.

One man told Amnesty International that his cousin was detained in May 1996 by the PNGDF after going to the Buka court concerning a land dispute. He was allegedly suspected of being in contact with the BRA and was taken to the Buka Command Post and beaten. He was believed to have been released without charge the same day, with damage to his ear and jaw as a result of the beating.

In other cases, individuals have been subjected to intimidation or ill-treatment or forced by the PNGDF to commit humiliating acts. In June 1996, an old man on the Carteret Islands, north of Buka, was accused by the PNGDF of using sorcery against other people. Eyewitnesses reported that an M16 gun was held to his head and cocked. Another person told Amnesty International that in June 1996 he witnessed soldiers at the Buka Harbour Military Check-Point forcing a man to run and swim the passage of water between Buka and the island of Bougainville, a distance of some 2-300 metres, because he did not have the proper travel authorisation for his journey. When the eyewitness tried to intervene he himself was threatened with a gun.

Other Bougainvilleans described ill-treatment in the context of forced labour in at least one of the Care Centres. Amnesty International was told that at the Tonu Care Centre, residents have been forced to cut grass and build houses for the PNGDF. If individuals do not arrive for work when ordered to, they are subjected to some form of punishment which again may involve humiliation, such as being forced to run in a particular area.

## THE WOMEN OF BOUGAINVILLE

The women on Bougainville have been a driving force behind efforts to find a resolution to the conflict. Many have been the victims of killings, beatings, rape and sexual harassment by both sides in the conflict. Women have also dealt with the effects of losing family members, knowing that, in the current climate on Bougainville, there is no action taken against members of the security forces who commit human rights violations.

Women on Bougainville have been subjected to rape and sexual harassment by the security forces, sometimes in the Care Centres, and by the BRA. Amnesty International received information about two women who were raped by the security forces in separate incidents at the Tonu Care Centre in 1994. It is believed that the rapes occurred as the women were gathering food in the gardens. In both cases, the authorities are not known to have taken actions to investigate the incidents and hold those to account despite the fact that one of the rapes is believed to have resulted in a compensation ceremony with the local community and the PNGDF.

Many of the women on Bougainville who have been active in attempts to restore peace have been subjected to ill-treatment, monitoring and harassment by the authorities. One woman was allegedly beaten to the point of unconsciousness by the PNGDF after she refused to go on a radio broadcast appealing to Bougainvilleans to come out of the bush and move to the government controlled Care Centres. In another incident, a woman who had attended the October 1994 Peace Conference in Arawa, was beaten by the BRA when she returned to her village. Another woman told of how in late 1996 she was placed under an official surveillance order because her activities on justice and welfare were deemed by the PNGDF to be in support of the BRA. Women have also reportedly been subjected to sexual harassment by the PNGDF during routine checks by the military at checkpoints throughout the province.

Women have also been targeted for political killings by the PNGDF, the Resistance Forces and the BRA. In June 1996, **Angela**, a church worker, was believed to have been killed by a PNGDF soldier in Buin. Others have been the victims of indiscriminate attacks by the PNGDF. Five of those killed during the PNGDF mortar attack on the Malapita Church in south Bougainville in November 1996 were women, including a fourteen year old girl and two girls aged four and six. **Mary Lewasi** was believed to have been shot dead by the BRA as she gathered food from the gardens near Piano Care Centre around May or June 1996.

## ABUSES BY THE BRA

Since November 1993, allegations of abuses by the BRA have continued, including killings and hostage-taking. Again because of restrictions on access to Bougainville it is not always possible to confirm many of the reports, which include allegations made by the military and the PNG Government, but there are cases about which Amnesty International has received independent corroboration, and incidents of hostage-taking which the BRA itself has publicised. Many of the victims are people accused of being “spies” on account of their alleged links with the Resistance Forces, the PNG Government or the PNGDF. Poor training and a lack of discipline has caused many of the abuses. But there are also cases in which the leadership of the BRA has sanctioned and even ordered the killing of prisoners. Amnesty International condemns the hostage-taking and killings committed by the BRA and calls upon the BRA leadership to ensure that its forces respect the basic principles of international humanitarian law, in particular common Article 3 of the four Geneva Conventions.

*Amnesty International opposes human rights abuses by armed opposition groups including deliberate and arbitrary killings, such as the execution of prisoners, and the taking of hostages. The organization's work against opposition abuses does not imply any judgment on the nature of the conflict nor any recognition of the group concerned. With non-government entities as with governments, in all cases Amnesty International opposes the abuses and not the entity which commits them.*

The human rights abuses committed by the BRA have been used at times by the PNG Government and the PNGDF to justify human rights violations by its forces or to deflect criticism of the PNGDF's actions on Bougainville. While Amnesty International condemns abuses by the BRA, it does not consider that they can ever be used to justify human rights violations by government forces which are, in any case, bound by international human rights standards and are therefore obliged to ensure that human rights are respected at all times in all situations.

### **Hostage-taking**

Since the beginning of the Bougainville crisis, the BRA has taken prisoners. Some have been taken as hostages while others, including civilians, have been detained for alleged crimes. Prisoners of the BRA have been threatened, injured and executed. In the last year there have been several incidents of individuals being held for ransom, which is prohibited under common Article 3 of the Geneva Conventions.

In September 1996 four soldiers and a police constable were taken captive by the BRA during an attack on the PNGDF by the Resistance Forces and the BRA at Kangu Beach

in south Bougainville. The Resistance Forces had been operating in the area with the PNGDF but they became frustrated with the low pay they received from the PNG authorities and, as their leader was reported as saying, *“the treatment of civilians in the Care Centres, and the lack of respect some soldiers showed towards the wives of resistance members and other civilian women”*.<sup>20</sup> The Resistance Forces decided to collaborate with the BRA and attack the PNGDF. Twelve soldiers were killed. A Resistance Force leader involved in the killing was reported as saying that his men attacked the PNGDF, disarmed them and then were joined by the BRA in the killing of the soldiers.<sup>21</sup>

Four soldiers and one policeman were taken captive by the BRA after the killing of the 12 soldiers. Following their capture, the Commander of the BRA, General Sam Kauona issued a demand to the PNG Government for all PNGDF troops to be withdrawn from Bougainville and independence for the province, stating that if this was not done by 1 October, one of the five would be killed for each day after this date. Amnesty International appealed to the BRA to remove the threat of their execution as this would be a breach of the BRA's obligations under common Article 3 of the Geneva Conventions. The deadline has passed and the executions have so far not been carried out. The five are still held captive in Laguai in south Bougainville, despite attempts by members of PNG's Parliament to negotiate their release.

In another incident, three soldiers were taken hostage at Siara Junction in Selau, North Bougainville on 22 October 1996. In this case, the ransom demand from the BRA was that five members of the Resistance Forces be killed in return for the release of the three soldiers. The PNGDF claims that the three are still alive and are being held under the command of a local BRA leader, Sylvester Vane. However in late 1996, reports were received that the three men may have already been killed in the custody by the BRA. Amnesty International has recently been informed that the three men were indeed killed before the end of 1996.

### **Deliberate and arbitrary killings by the BRA**

Amnesty International has gathered evidence of at least 36 killings of non-combatants and captured soldiers by the BRA since 1993. For a list of these cases, see Appendix II. In November 1996, nine people including six civilians were reportedly killed by the BRA in Sisiapai village, Sipai on the northwest coast of Bougainville. It is believed they were killed in retaliation for the deaths of two members of the BRA, relatives of the BRA leader Sylvester Vane, during an attempt by the PNGDF and Resistance Forces to secure the release of the three soldiers taken hostage in Selau in October 1996. The nine were killed at around 5 am.

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<sup>20</sup>Post Courier, 21 January 1997.

<sup>21</sup>Post Courier, 21 January 1997.

Two school children, a Catholic church worker and three resistance fighters were among those killed. Five others were believed to have been wounded in the attack.

Also in November 1996, **Corporal John Gareitz**, a PNGDF soldier, was detained and then killed by the BRA after he had gone to attend a peace ceremony in Pets Pets. The soldier was unarmed at the time and believed that it would be safe to attend the ceremony because he was from the area and was accompanied by local chiefs and community and church leaders. He was believed to have been taken away by the BRA during the ceremony and shot at point blank range by the BRA.



Francis Ona and BRA guerrillas, Bougainville.

©Wildlight Photo agency

In its November 1993 report about human rights abuses on Bougainville, Amnesty International documented cases of deliberate and arbitrary killings by the BRA. The organization urged the BRA leadership to take action to end the human rights abuses, to investigate allegations of abuses and to suspend those believed responsible. Amnesty International has not received any indication that the BRA leadership has implemented the organization's recommendations.

## INVESTIGATIONS OF HUMAN RIGHTS VIOLATIONS

Since the Bougainville conflict began, with the exception of the investigation into the death of Theodore Miriung, the PNG Government has failed to demonstrate any commitment to investigate human rights violations which have occurred in the province, despite acknowledgement from the government that human rights violations have been committed by the PNGDF. No members of the PNGDF are known to have been prosecuted for their role

in human rights violations.<sup>22</sup> Not one of the cases of human rights violations contained in Amnesty International's 1993 report on Bougainville is known to have been investigated despite a commitment from the government after the report was published that it would consider the report.<sup>23</sup>

In the latest in a long history of public commitments by successive PNG Governments to conduct independent investigations and holding the security forces to account, Prime Minister Sir Julius Chan stated in August 1996 that allegations of human rights violations by the PNGDF were being investigated. In February 1995, Commander of the PNGDF Tony Huai reportedly said that "several" soldiers were being investigated for their alleged role in human rights violations.<sup>24</sup> Over the last eight years, Amnesty International has made many efforts to obtain information about investigations which have been carried out and about members of the PNGDF who have been held accountable for human rights violations. In June 1996, Amnesty International was told by the PNGDF that two members of the Resistance Forces had been prosecuted, one on a charge of stolen property and another was believed to be awaiting trial in relation to the death of a women in a car accident. It is not known if they have been prosecuted. In December 1996, Amnesty International again requested information from both the PNG Government and the PNGDF about the number and nature of any investigations which had so far been carried out but the organization received no response to its enquiry.

International standards require prompt, thorough and impartial investigation of all suspected cases of extra-legal, arbitrary or summary executions and "disappearances".<sup>25</sup> They require governments to ensure that persons identified by the investigation as having participated in such killings be brought to justice. PNG's Constitution also provides for the rights of individuals to seek judicial remedy for violations by the state. In reality, this right has not been

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<sup>22</sup>In November 1996, the PNGDF announced that they had retrenched 50 personnel but it is not thought that any of these soldiers were retrenched because of their involvement in human rights violations. The Commander of the PNGDF, Brigadier General Jerry Singirok, is reportedly currently facing disciplinary charges for alleged "illegal" incursions into the Solomon Islands during 1994 when he was the commanding officer on Bougainville. It is not clear what the current status of the charge is. *The National*, 12 December 1996.

<sup>23</sup>The report contained recommendations to the PNG Government to initiate prompt, thorough and impartial investigations, consistent with international standards, into all reports of human rights violations by government or government-backed forces and to make public the results of these investigations, and to bring to justice all members of the security forces responsible for unlawful killings, torture, rape, or other human rights violations.

<sup>24</sup>*Hobart Mercury*, 15 February 1995.

<sup>25</sup>Principle 9 and 18 of the UN Body of Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.



enjoyed by the people of Bougainville who face many obstacles in their efforts to seek redress for human rights violations. The most significant obstacle facing Bougainvilleans is that the government has been unwilling to address the need for full and impartial investigations and accountability within the security forces. The PNGDF for its part has been uncooperative, has threatened potential eyewitnesses, and in many cases, has covered up human rights violations committed by its members.

There are also many practical obstacles which must be overcome by Bougainvilleans wishing to seek judicial redress. Physical access to PNG's courts is restricted by the continuing conflict on Bougainville. Only District Courts operate in the Province of Bougainville, and they do not have a permanent base on the island of Bougainville, but operate out of Buka. Under PNG's Constitution, both the Supreme Court and the National Court have jurisdiction over human rights cases but lower courts can be empowered by the PNG Parliament to hear human rights cases. It is not thought that lower courts, such as the District Courts, have actually been given the power by the PNG Parliament to hear human rights cases.<sup>26</sup>

Access to legal assistance for those seeking redress is severely hindered. There are no public solicitors operating in the Province of Bougainville and until recently there were also no private solicitors. For Bougainvilleans to travel to other provinces or towns where they could seek legal advice or access to the National Court is fraught with financial and bureaucratic difficulties. Restrictions on movement mean that Bougainvilleans must seek military permission to travel in or out of Bougainville. The only reliable means of travel is by plane, an expense which is difficult in an environment in which the cash economy is only now, in most but not all areas, recovering. The government has provided no resources to assist individuals making complaints about human rights violations, such as information and advice about individual rights and access to judicial remedies.

The situation may be improved by plans to establish a National Human Rights Commission in PNG. Amnesty International welcomes this move, but considers that there is a need for vigilance to ensure that the proposed National Commission is an effective tool for investigations and redress. If it is not effective, the problem of impunity for members of the security forces will continue. In particular, Amnesty International considers that:

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<sup>26</sup> It is believed that only one complaint in the area of human rights has come before the District Court on Buka. The case was an application for an injunction against several members of the Resistance Forces who are alleged to have threatened and harassed a couple. The only case which Amnesty International is aware of that has come to the National Court is that of a foreign academic who in January 1997 was awarded damages after he won a case against the state in which he claimed that he had been shot by the PNGDF on Bougainville in 1989. *Post Courier*, 8 January 1997.

- ! the National Commission must have an explicit mandate to consider all human rights violations on Bougainville since 1988;
- ! the PNG Government must ensure that the National Commission is provided with sufficient resources to conduct its activities effectively and that government assistance is provided so that Bougainvilleans can easily access the remedies provided for by the National Commission;
- ! the National Commission must have a permanent presence on Bougainville;
- ! in view of the level of fear of retaliation from the PNGDF, the Resistance Forces and the BRA that is held by Bougainvilleans seeking to make a complaint or provide information about violations of human rights, the composition of the proposed National Commission should not jeopardize the independence, impartiality and accessibility of the National Commission for the people of Bougainville;
- ! the government and the security forces must demonstrate a commitment to allowing the National Commission to carry out its work without hindrance or intimidation of complainants and eyewitnesses.<sup>27</sup>

In 1995, the PNG Government announced an amnesty to cover all offences connected with the Bougainville crisis committed by all sides in the conflict between 1 October 1988 and 19 May 1995, a period which was later extended to 1 July 1995. The precise scope of the amnesty has never been clear and it remains a policy statement with no legislation covering it yet drawn up. In certain areas of Bougainville, local communities have held peace ceremonies and agreed on compensation with the security forces over destruction or human rights violations in their area.

Truth, justice and redress, three major principles identified in international human rights standards, form the key pillars of an effective remedy to serious human rights violations. Acting together, these three principles provide the means to address human rights violations of the past and provide safeguards against their repetition in the future. While Amnesty International does not take a position on post-conviction pardons or amnesties, and recognises that in some cases reconciliation can simply be achieved through public exposure and condemnation, the organization asserts that the judicial process must be seen to be pursued with vigour, fairness

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<sup>27</sup>For Amnesty International's full recommendations to the PNG Government concerning the establishment of a National Human Rights Commission, see Amnesty International, Papua New Guinea: Human Rights Commission Mooted, AI Index ASA 34/01/94, October 1994.

and impartiality. Any amnesty and pardons should only come, therefore, after some form of judicial process is complete.

Where amnesty laws prevent the emergence of the truth and accountability before the law for gross human rights violations such as torture, extrajudicial executions or “disappearances” they are unacceptable. Amnesty International is concerned that the provisions of the Bougainville amnesty as it stands could result in individuals who have committed serious human rights violations not being held to account. Amnesty International is also concerned that the PNG Prime Minister was reported as saying that the proposed PNG National Human Rights Commission would consider breaches of human rights violations “*since the end of the amnesty period*”.<sup>28</sup>

### **The Seeto Family - still seeking justice**

Official inertia and inaccessibility of judicial remedies experienced by the Seeto family typifies the difficulties facing Bougainvilleans attempting to seek the truth about killings and “disappearances”. **Shane Seeto** was extrajudicially executed after being arrested around Arawa in central Bougainville by the PNGDF in December 1994, following the killing of four PNGDF soldiers by the BRA. Three other men, **Damien Ona, Robert** and **Apiato Bobonung** were arrested by the PNGDF on the same day, when the car that Robert was driving broke down and the two other men stopped their car to assist him. The place at which Robert’s car had broken down was near where two of the PNGDF

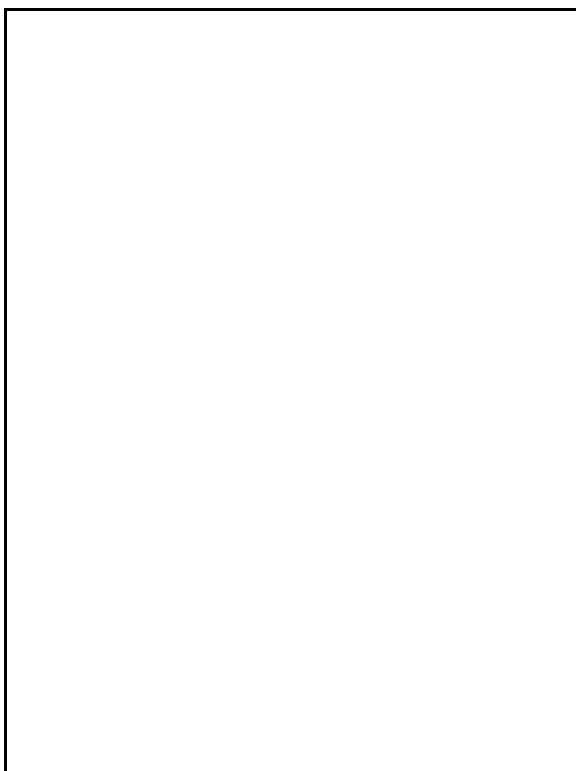
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<sup>28</sup> The Independent, 2 August 1996.

soldiers had been shot and killed.<sup>29</sup>

Shane Seeto was taken to the Tokunari Command Post and eyewitnesses allegedly saw him being ordered by PNGDF soldiers to push his motorbike to the Command Post. The same day Clara Seeto, Shane Seeto's mother, went to the Command Post, having heard reports that her son was being held there. The PNGDF at the Tokunari Command Post admitted to her that Shane Seeto had been arrested, but they refused to allow her access to

him, saying that he had run away. Clara Seeto believes that he was killed that day by the PNGDF, although she has never seen his body.



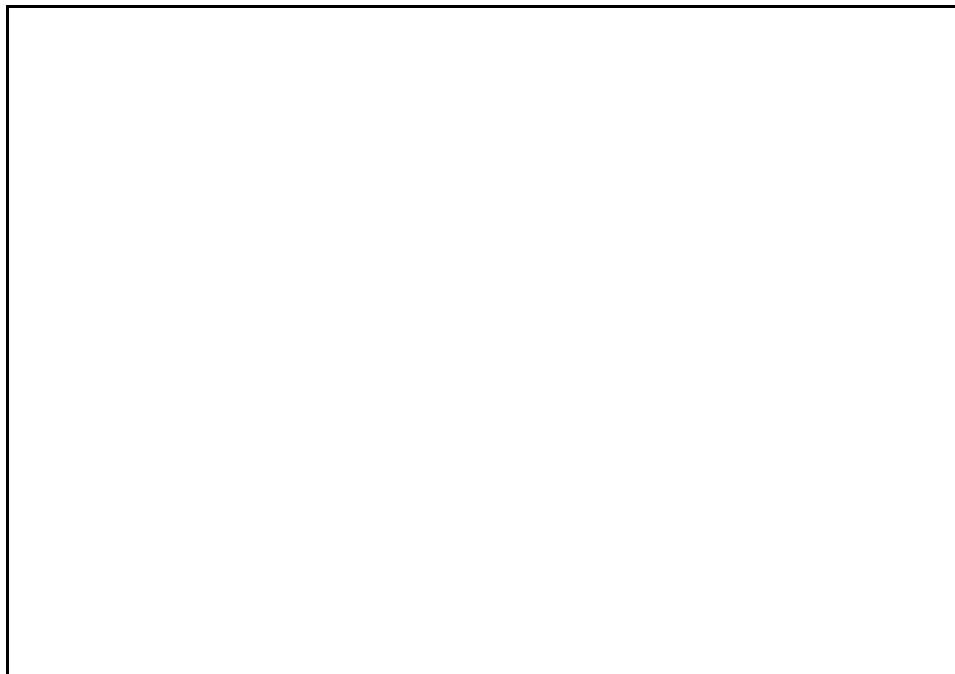
Shane Seeto.

The bodies of the three other men were found near the Topucas creek after a night of heavy rain. It is believed that the PNGDF attempted to bury all four bodies, including that of Shane Seeto, in a shallow grave near the banks of the creek, but that flooding caused the bodies to come free from the grave. It is believed that Shane Seeto's body may have floated out to sea. After the rain, an eyewitness saw the PNGDF returning to the grave site and digging a new hole. The next day, information about the graves was conveyed to the local council of elders and a delegation went to the grave site. Following negotiations between local community leaders and the PNGDF, the bodies were dug up by the PNGDF and

returned to the local communities. It is believed that there were marks on the necks of the three bodies indicating that they may have been cut with knives.

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<sup>29</sup>See Amnesty International, Papua New Guinea: Bougainville: Political Killings and "Disappearances" Continue, AI Index ASA 34/02/95, March 1995.



Burial site believed to be that of Shane Seeto and others.

The late Premier of Bougainville, Theodore Miriung, was involved in the negotiations with the PNGDF to return the bodies of the four men to their families. During these negotiations, Miriung claimed that he was given assurances by the PNGDF Commander on Bougainville at the time, now the current Commander of the PNGDF, Brigadier General Singirok, that the PNGDF had “done wrong” in causing the deaths and that there would be an investigation and that those found responsible would be held accountable. Miriung told Amnesty International before his death that he was promised records of the investigation by another military officer but until his death in October 1996, he was never provided with any record of an investigation. Miriung believed however that an investigation had taken place but that its results were suppressed.

Two years after the death of their son, the Seetos, now living in Port Moresby, are still waiting for information about whether there ever was a PNGDF or government inquiry. They have received no information from the authorities about attempts to investigate their son’s death, despite the fact that they have hired a lawyer and written to the PNG Government. Amnesty International is concerned that despite a commitment by the authorities to investigate the death of Shane Seeto, Damien Ona, Robert and Apiato Bobonung, no action appears to have been taken.

## PNG AND THE UNITED NATIONS

Action by member states of the United Nations has been limited, the result of which has been that it has had little effect in stopping the human rights violations on Bougainville. PNG is of little strategic importance internationally and has received only occasional coverage in the international media. The United Nations, mainly through the UN Commission on Human Rights (the Commission) has however taken some action to press the PNG Government over the human rights situation on Bougainville.

In 1992 the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted a resolution on Bougainville. The UN Commission on Human Rights has passed three resolutions on the human rights situation in Bougainville, in 1993, 1994 and in 1995. In 1995, the Commission called on the PNG Government to invite relevant UN thematic mechanisms to visit Bougainville and to extend its full cooperation to the thematic rapporteurs and working groups. At its 1996 session, the UN Commission took no action regarding Bougainville, despite the fact that PNG has failed to implement the majority of past resolutions of the Commission. Amnesty International considers that the recommendations of the Commission remain vitally important and that member states of the UN should press PNG to take the measures needed to address past violations and prevent further unlawful killings, “disappearances”, ill-treatment, and arbitrary arrests and detentions.

In September 1994, in an uncharacteristic move, the PNG Government responded to the 1994 UN Commission resolution on Bougainville with a 30 page report.<sup>30</sup> The report provided a response on three specific cases only, denying in each of the cases that human rights violations had taken place:

*“There have been occurrences of human rights violations involving both our Forces and the BRA in the conflict. Most civilians affected have been caught in the exchange of fire, relocations of large populations for safety and security. There have been no cases of rape, sexual abuse, torture nor executions in Care Centres. It should also be noted that throughout the armed conflict, constitutional, judicial and other safeguards for the protection of human rights in Papua New Guinea have been observed by the Government and its Security Forces.”*

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<sup>30</sup>Response by the Papua New Government to the United Nations Commission on Human Rights Resolution on Alleged Human Rights Violations on Bougainville Province of Papua New Guinea, UN Document E/CN4/1995/60, 23 September 1994.

The report concluded that allegations of human rights violations on Bougainville are “... *exaggerated, fabricated and biased. Whatever violation might have taken place would have been committed by both the BRA and Security Forces. It is a fact that the violations by the BRA far exceed the number, the degree and the wantonness of the Disciplined Forces of the Army and the Police of the State*”.

So far, PNG has invited only one United Nations thematic expert, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, to visit Bougainville. The Special Rapporteur travelled to PNG in 1995, but was prevented from travelling to Bougainville because of technical and weather problems. His report, released in February 1996, concluded that human rights violations continue on Bougainville and that allegations of human rights violations, including killings and “disappearances” have not been adequately investigated and hardly any perpetrators brought before courts.<sup>31</sup> His recommendations to the PNG Government include:

- ! to encourage the establishment of human rights non-governmental organizations on Bougainville;
- ! to allow access to international human rights and humanitarian organizations to all parts of Bougainville;
- ! to ensure that members of the Armed Forces are trained in conflict resolution and the UN Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;
- ! to ensure that all those involved in violations of human rights must be brought to trial after proper investigations;
- ! to reintroduce the police to Bougainville;
- ! to establish a national human rights commission;
- ! to consider establishing a truth and justice commission in order to help the reconciliation process and the restoration of the rule of law;
- ! that the procedure for granting amnesty must remain within the constitutional framework of the country, and should not suppress the truth and there should be

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<sup>31</sup> Report by the Special Rapporteur on his mission to Papua New Guinea island of Bougainville from 23 to 28 October 1995, UN document E/CN.4/1996/4/Add.2, February 1996.

adequate provision for compensation of victims and their families. Traditional methods of conflict resolution should be retained;

- ! to establish a public system of reporting on human rights issues;
- ! to invite the Special Rapporteur on torture, the Working Group on Enforced or Involuntary Disappearances and the Representative of the Secretary-General on internally displaced persons to conduct monitoring on Bougainville.

There has been no response to the Special Rapporteur's report from the PNG Government, although in July 1996 the PNG Prime Minister was quoted as saying that the government was investigating earlier unanswered allegations conveyed by the Special Rapporteur to the government.<sup>32</sup> The government has however begun the process of establishing a national human rights commission; re-introduced police to Bougainville - although in practice they function under the control of the PNGDF; and provided some training of the military in human rights standards. No other recommendations of the Special Rapporteur have been implemented, while the unlawful killings and "disappearances" continue.

## **RECOMMENDATIONS**

Amnesty International believes that the following recommendations, if implemented, would halt the serious human rights violations continuing on Bougainville and prevent further unlawful killings, "disappearances", unlawful arrests, ill-treatment and torture.

### **Recommendations to the PNG Government**

#### ***To prevent further violations***

- ! issue clear and unequivocal orders that military activity on Bougainville must be carried out within the framework of international human rights and humanitarian law and that human rights violations will not be tolerated under any circumstances;
- ! ensure a strict chain of command over all members of the security forces authorised to use force and firearms;

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<sup>32</sup>The Age, 15 August 1996.



- ! any member of the security forces who commits violations of human rights or officials who tolerate violations by those under their command should be held criminally responsible for these acts;
- ! immediately regularise or disband the Resistance Forces;
- ! ensure that any member of the Resistance Force who commits abuses, or any Resistance Force leaders who tolerate abuses under their command, are held accountable;
- ! allow full and permanent access to Bougainville for the International Committee of the Red Cross;
- ! issue clear instructions that members of the PNGDF are not authorised to conduct arrests; that all arrests are conducted by the police; that any individual taken into custody must have access to legal assistance; that arrests and detentions must be subject to judicial scrutiny; that there must be an open register of individuals arrested, including details of the dates of their arrest, place of detention and reason for arrest; and that detainees should be held only in recognized places of detention;
- ! ensure that accurate records are kept of the identities of those agents who participate in arrest, detention and interrogation of detainees and records of the members of the PNGDF and the Resistance Forces who participate in military actions against the BRA;
- ! permit the regular and unhindered monitoring of human rights in Bougainville by national and international humanitarian and human rights organizations, including Amnesty International and the proposed PNG National Human Rights Commission and UN human rights mechanisms;
- ! support the development of national non-governmental human rights organizations for Bougainville;
- ! implement in full the recommendations contained in the UN Commission on Human Rights resolutions on Bougainville, including inviting the Working Group on Enforced or Involuntary Disappearances to Bougainville;
- ! implement in full the recommendations contained in the 1996 report of the UN Special Rapporteur on extrajudicial, arbitrary or summary executions;

- ! immediately ratify the International Covenant on Civil and Political Rights.

### ***Investigations of human rights violations***

- ! initiate prompt, thorough and impartial investigations, in accordance with international standards, in particular the UN Body of Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, into all reports of human rights violations by government or government-backed forces; make public the results of the investigations;
- ! bring promptly to justice before civilian courts all members of government and government-backed forces suspected of responsibility for extrajudicial executions, “disappearances”, torture, including rape, and other human rights violations. Ensure that those suspected are immediately disarmed and suspended from active duty pending the outcome of judicial proceedings; penetrators should not be allowed to benefit from any legal measures exempting them from criminal prosecution or convictions;
- ! establish a workable system for the fair and adequate allocation of compensation to the victims of torture, including rape, or in the case of those unlawfully killed or “disappeared” to their families;
- ! establish branches of the Public Solicitors Office on Buka and Bougainville;
- ! inform Bougainvilleans through all available means of communication about their rights and about how to complain if their rights are violated;
- ! ensure that the mandate and functioning of the proposed PNG National Commission on Human Rights is consistent with international standards on national human rights commissions<sup>33</sup>; and that there is an explicit mandate for the National Commission to investigate all human rights violations which have occurred on Bougainville since the beginning of the crisis in 1988;
- ! ensure that the PNG National Commission on Human Rights has a permanent presence on Bougainville and that its investigations are not hindered by the PNGDF

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<sup>33</sup> United Nations Principles relating to the status of national institutions standards on national institutions, Annex to Resolution 1992/54 on National institutions for the promotion and protection of human rights.

and that measures are taken to ensure there is protection of complainants and witnesses;

- ! ensure that the composition of the proposed National Commission on Human Rights offers guarantees of independence, impartiality and accessibility for Bougainvilleans seeking to make complaints or provide information; ensure that there is a section within the National Commission which considers the violations of women's rights;
- ! ensure that the Bougainville amnesty does not stand in the way of clarifying the truth, determining responsibility and providing compensation.

### **Recommendations to the leadership of the BRA**

- ! publicly state its commitment to adhere to the basic principles of international humanitarian law; and to declare an unequivocal opposition to the deliberate or arbitrary killing, torture, rape or other ill-treatment of civilians or captive members of the security forces;
- ! take effective steps to prevent deliberate or arbitrary killings, torture, including rape, of civilians or captive members of the security forces; including determining responsibility for abuses and suspending those suspected of deliberate or arbitrary killings, torture or rape of people held in custody or otherwise detained by the BRA;
- ! cease holding prisoners as hostages;
- ! publicly state its commitment to allowing unhindered access for human rights and humanitarian monitoring bodies through territory under, or partially under, BRA control.

### **Recommendations to member states of the United Nations**

- ! urge the PNG Government to implement in full the recommendations of the UN Commission on Human Rights resolutions of 1993, 1994 and 1995;

- ! urge the PNG Government to implement in full the recommendations made by the UN Special Rapporteur on extrajudicial, summary or arbitrary executions; and the recommendations made by Amnesty International in this report;
- ! urge the PNG Government to allow access to Bougainville for the International Committee of the Red Cross, UN human rights mechanisms and for independent human rights monitors and journalists;
- ! given the involvement of the UN in the creation of the PNG National Commission on Human Rights, ensure that the functions of the proposed National Commission meet international standards and that there is a review of the National Commission's effectiveness after a certain time;
- ! urge the PNG Government to invite the UN Working Group on Enforced or Involuntary Disappearances to conduct monitoring in Bougainville;
- ! that governments with military, security and police links to PNG, including the Australian Government, ensure that their bilateral military aid is not contributing to human rights violations committed by the PNGDF on Bougainville; that greater effort is made to ensure that such links protect and promote human rights on Bougainville, such as through increased and more effective human rights training of the military.

## **APPENDIX 1**

### **“Disappearances” and unlawful killings believed to have been committed by the PNG Defence Force and the Resistance Forces on Bougainville**

| <b>Name</b>                  | <b>Date</b>                          | <b>Location</b>  | <b>Details</b>  | <b>Action taken by authorities to investigate the allegation</b>   |
|------------------------------|--------------------------------------|--|---|--|
| Alphonse and two other men   | 13-16 December 1995                  | Sohano, Buka   | Alphonse and two other young men allegedly removed from military custody in Buka by several soldiers. Alphonse was shot but escaped and it is alleged that shots were also fired at the other youths. There are allegations that the two other youths have “disappeared” although police in Buka say that they have returned to their villages. | Not clear.   |
| Angela, Church Worker        | June 1996                            | Buin   | Believed to have been killed by a PNGDF soldier.  | No action known to have been taken.  |
| Clement Duni                 | 11 July 1994                         | Not known.   | Thought to have been killed by the PNGDF after being suspected of involvement with the BRA.   | No action known to have been taken.  |
| Hubert Oparive plus 7 others | 19 June 1996                         | Pokarai Care Centre, Sipai, west coast of Bougainville | Eight former BRA members shot by PNGDF because of fears that they may have been collaborating with the BRA to attack the PNGDF.   | PNGDF claimed in June 1996 that the allegation was the subject of an internal military inquiry. The results of the inquiry are not known to have been made public. |
| Huruma                       | Between December 1995 and March 1996 | Konga  | Believed to have been shot by the Resistance Forces near Konga.   | No action known to have been taken.  |

|                              |  |                                      |   |   |
|------------------------------|--|--------------------------------------|---|---|
| Isaiah Magung, Ampo Tarokuru | May 1996                               | Mariga River, South Bougainville     | Three boys who were running away from the Care Centre at Tonu. Isaiah Magung and Ampo Tarokuru were killed and their friend, Nasuri was wounded.  | No action known to have been taken.   |
| Jack, 20s                    | 23 June 1996                           | Taiof Island, Buka                   | Member of the Resistance Forces shot dead after he stole a boat from Buka during curfew.  | July 1996, PNGDF Commander told Amnesty International that an internal military inquiry would be conducted, but it is not known whether an inquiry was ever held. |
| James Dovae, Chief elder     | End of 1995                            | Itakara Industrial area, Arawa       | Killed by the PNGDF, and possibly also the Resistance Forces, after he was called up to cut the grass at a military camp.   | No action known to have been taken.   |
| James Kamisu                 | Between the end of 1995 and early 1996 | Haisi Care Centre/Tonu Military Camp | Former BRA leader who was believed to have been shot by the PNGDF after he was summoned for questioning to the Tonu Military Camp.  | No action known to have been taken.   |
| James Lakana                 | Between December 1995 and March 1996   | Monoitu                              | Believed to have been shot by the Resistance Forces at Monoitu District, Siwai.   | No action known to have been taken although it is believed that government authorities were aware of this case.   |
| John Esi                     | Early 1996                             | Kunua                                | Village chief from Sikeo village who had come to collect his wife living at a Care Centre. Was allegedly arrested by the PNGDF. Believed to have been killed.   | No action known to have been taken despite an allegation that government officials were informed of this case.  |
| John Napitalai               | 18 September 1996                      | Tokaino                              | Coordinator of Kangu Beach Care Centre and Deputy Chairman of the Telei Interim Authority. Believed to have been killed by the PNGDF after he attended a meeting of the Telei Interim Authority. His death is believed to be in retaliation for the killing of the PNGDF soldiers at Kangu Beach in September 1996. | No action known to have been taken despite this case having received media attention.   |

|  |  |                              |  |                                     |
|--|--|------------------------------|--|-------------------------------------|
| John Tukina                            | 1993   | Buin                         | Former BRA member living in the Tabogo Care Centre. Believed to have been killed by the Resistance Forces and the PNGDF after being summoned to the Buin Military Camp.  | No action known to have been taken. |
| John Ono, Jimmy Dupineo and two others | Between last week of August and 9 September 1994 | Arawa                        | All four, who were civilians, were believed to have been killed in retaliation for the death of a soldier killed during a confrontation with the BRA.  | No action known to have been taken. |
| Malapita Church killings               | 28 November 1996                                 | Malapita, south Bougainville | Nine killed - Cathy Tomara [f], 4, Nanny Makau, [m] 5, Alvina Makunia, [f] 6, Brenda Ruinai, [f] 14, Cecelia Ruatu, [f] 36, John Tuburu, [m] 38, Nicholas Nakei [m], 39, Albert Makau [m] 42, Boisi Kauri [f], 50 - and five others wounded - Makiwa Baubake [m] 2, Kauvina Tom [f] 24, Leona Nikei [f] 24, Francis Baubake [m] 39 and Catherine Tom [f] 50 - when PNGDF mortar fell on the church during morning prayers. | No action known to have been taken. |
| Matthew                                | March 1996                                       | Buka                         | Believed to have been arrested and possibly shot by the PNGDF on suspicion of links with the BRA, after the BRA attacked the police on Buka in March 1996.   | No action known to have been taken. |
| Mukakuru village                       | 1 December 1996                                  | Siwai, south Bougainville    | Fourteen killed - including Paul Kumpa, 50, Mrs Kumpa, 45, Apronia Kumpa, [f] 18, Momis Maimoi, [m] 21, Mukunia Maimoi [f], 69, Soiri Meri, [m] 13, Joseph Moiru [m] 50, Christen Tuwai, [f] 19, Rachael Kempf [f], 7, Anasioro Tukeu, [m] 16, Michael Kumpa, [m] 16 - and eleven others wounded when the PNGDF and the Resistance Forces opened fire on them as they slept in their village.                              | No action known to have been taken. |

|   |                                      |                             |   |  |
|---|--------------------------------------|-----------------------------|---|--|
| Peter Kulahe, 58, his son and two nephews.          | Either 1992 or 1993                  | Tinputz, north Bougainville | Catechist in the catholic church who was arrested by the PNGDF on suspicion of links with BRA. Believed he was arrested with his son and two nephews, Michael and Dominic. The fate of all four is unknown. | No action known to have been taken.  |
| Peter Ugua, 20-25 years old                         | 16 April 1996                        | Sohano Island, Buka         | “Disappeared” after being arrested for a second time by the PNGDF and Resistance Forces on Sohano Island, Buka, for alleged BRA links.  | No action known to have been taken.  |
| Pikei Village, one man - name not known             | Between December 1995 and March 1996 | Tonu military camp          | Believed to have been shot and killed by the Resistance Forces.   | No action known to have been taken.  |
| Sandy and two others                                | 1995                                 | Rusei Village in Siwai      | Former BRA members. Believed to have been shot by the Resistance Forces because of their alleged links to the BRA. A forth man was also believed to have been shot but survived.                            | No action known to have been taken.  |
| Shane Seeto, Damien Ona, Robert and Apiato Bobonung | December 1994                        | Arawa                       | Four men arrested and believed to have been killed by the PNGDF following a BRA killing of PNGDF soldiers. All believed murdered by PNGDF although Shane Seeto’s body was never recovered.                  | An inquiry promised by the PNGDF in 1995 but no action known to have been taken. |
| Theodore Miriung                                    | 12 October 1996                      | South Bougainville          | Shot and killed by members of the Resistance Force with the involvement of the PNGDF.   | An independent coroner’s inquiry held and police investigation continuing.       |
| Tulane Plantation killings                          | 1991                                 | West Buka                   | Eleven villagers from Hetal village - killed by the PNGDF after being arrested in the village.  | No action known to have been taken.  |



|              |  |                             |   |                                     |
|--------------|--|-----------------------------|---|-------------------------------------|
| Wesley Teumo | Believed to have been in April or May 1995 | Tinputz, North Bougainville | Arrested after a clash between the BRA and police during which a policeman was shot. Believed to have been taken by boat and shot near Tinputz. | No action known to have been taken. |
|--------------|--|-----------------------------|---|-------------------------------------|

## **APPENDIX 2**

### **Deliberate and arbitrary killings believed to have been committed by the Bougainville Revolutionary Army**

| <b>Name</b>                               | <b>Date</b>                    | <b>Location</b>                                   | <b>Details</b>  |
|---|--------------------------------|---|---|
| Asatavi High School security guard        | June 1994                      | Asatavi   | The guard was shot and killed when the BRA stole the school vehicle.  |
| Five men, including Peter Itomui and Keni | End of 1993, beginning of 1994 | Kieta, central Bougainville                       | The five men were village elders who were suspected of trying to poison other people. Those supposedly affected by their poison asked the BRA to kill the five. After they were killed, tyre rims from trucks were put around their ankles and their bodies were reportedly dumped off Kieta Wharf. |
| Francis Kavere                            | September 1995                 | Not known   | Peace officer for the Hahon area. Believed to have been killed by the BRA after he was detained. His body has never been returned.  |
| Inus killing                              | September 1996                 | Tinputz   | Two civilians killed and others wounded when the BRA opened fire on a civilian truck at Inus in north Bougainville. All the people in the truck were civilians.   |
| John Gareitz, PNGDF Corporal              | 31 October 1996                | Sahun Village, Soroken, northwest of Bougainville | Corporal John Gareitz travelled to Sahun Village as an unarmed observer to a Peace Ceremony with a local BRA group. He was reportedly taken away from the Peace Ceremony by the BRA and shot dead.  |
| John Roka                                 | Beginning of 1993              | Poma village, South Nasoi                         | Reportedly shot by the BRA after he travelled back to Bougainville from a visit to the Solomons Islands via Port Moresby. He was suspected of collaborating with the PNGDF.   |
| Joseph Rangai                             | June or July 1994              | Around North Nasoi                                | Believed to have been killed by the BRA because he travelled to the PNGDF Command Post at Arawa. His body was reportedly washed up at Loloho. The BRA are alleged to have admitted to killing Joseph Rangai.  |

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|--|------------------|--|---|
| Kangu Beach killings   | September 1996   | Kangu Beach, south Bougainville                      | Twelve soldiers killed after being apprehended and disarmed by the BRA and the Resistance Forces. Resistance Force soldiers allegedly incapacitated the soldiers with home-made alcohol, disarmed them and were then joined in the killing of the soldiers by the BRA. Four soldiers and one policeman taken hostage by the BRA following the killings.                                       |
| Mary Lewasi  | May or June 1996 | Piano Care Centre                                    | Believed to have been shot dead by the BRA while she was in a food garden.  |
| Sisiapai Killings  | November 1996    | Sisiapai Village, near Sipai, northwest Bougainville | Nine civilians including two children were believed to have been shot dead by the BRA in a raid on the village. The killings were believed to have been in revenge for the killing of a relative of a local BRA leader.   |
| Tohei killings, at least two and possibly eight civilians, including Peter Pereperii | May 1996         | Tohei  | At least two and possibly eight civilians believed to have been shot and killed as they left Asitoki Care Centre to get food from their gardens on a Sunday morning. One of those wounded described to Amnesty International that the BRA gave no warning but just began shooting at the civilians in the food garden. He was wounded and fell down, was shot at again but managed to escape. |